

### **III. Remarks**

#### **A. Status of the Application**

Claims 1, 3-14, 16-19, 21-26, 28-37, and 39-47 will be pending after entry of the present paper. Claims 1, 3-14, 16-19, 21-26, 28-37, and 39-47 were previously pending. No claims are added or canceled by the present paper. Independent claims 1, 11, 19, 31, and 39 are amended by the present paper. No new matter is added by the amendments. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

#### **B. Interview Summary**

Applicants appreciate the courtesies extended by the Examiner during the telephone interview conducted on August 26, 2010. The § 112 and § 103 rejections of the claims were discussed. General agreement was reached regarding distinctions over the cited references and suitable amendments to put the claims into compliance with 35 U.S.C. § 112. The amendments submitted above are consistent with the agreements reached. No exhibits were shown in the interview.

#### **C. Claim Rejections – 35 U.S.C. § 112**

Claims 1, 11, 19, 31, and 39 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As noted above in the Interview Summary, the Examiner agreed that the amendments to these claims submitted above, including removing the feature reciting “without post-process selection,” would put the claims into compliance with 35 U.S.C. § 112. Accordingly, Applicants request that the § 112 rejection of claims 1, 11, 19, 31, and 39 be withdrawn.

#### **D. Claim Rejections – 35 U.S.C. § 103**

Claims 11-14, 16-19, 21-26, 28, 29, 31-35, 37, 39, 40, and 43-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,148,095 to Prause (“Prause patent”) in view of U.S. Patent No. 5,771,895 to Slager. (“Slager patent”). Claims 1, 3, 5-9, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prause and Slager patents in view of U.S. Patent Application Publication No. 2001/0007940 to Tu (“Tu

application”). Claim 41 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prause and Slager patents in view of U.S. Patent No. 6,200,268 to Vince (“Vince patent”). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prause, Slager, and Tu references in view of the Vince patent. Finally, claims 10, 30, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Prause, Slager, and Tu references in view of U.S. Patent No. 5,284,148 to Dias (“Dias patent”).

As noted above, during in the telephone Interview, the Examiner and Applicants’ representative agreed upon amendments that would distinguish over the cited references. In that regard, as shown above, the independent claims have been amended to recite that the data-gathering probe is not moved in a step-wise manner during the data acquisition, but rather is moved “continuously” at “at a substantially constant speed” during the data acquisition, or amended to recite other similar features. Further, some of the independent claims (*e.g.*, claims 1, 11, and 19) have been amended to recite that blood-vessel data is acquired only during intervals where the data-gathering probe is being moved continuously and in response to a probe-trigger marking a beginning of the cyclical portion of the heart beat. Claims 31 and 39 require acquiring data while the data-gathering probe or catheter is continuously moved at a substantially constant speed during an interval in response to a probe-trigger marking a beginning of a cyclical portion of a heartbeat or cardiac cycle. Accordingly, Applicants submit that all of the pending claims are patentable over the cited references. Applicants also submit that all of the pending claims are patentable over U.S. Patent Application Publication No. 2003/0093067 to Panescu (“Panescu application”) identified by the Examiner during the interview. In that regard, the Panescu application, alone or in combination with the other cited references, also fails to disclose or suggest the combination of features recited in the pending claims.

#### **IV. Conclusion**

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims are in condition for allowance. Accordingly, an indication of allowability is respectfully requested.

The Office Action contains characterizations of the claims and the related art to which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in this or any other Office Action.

Should the Examiner deem that there are any remaining issues preventing allowance of this case, Applicants request that the Examiner call the undersigned attorney in an effort to resolve any remaining issues.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on the following date.

Date: September 10, 2010

Gayle Conner

